

YOU SET THE TONE,
Dealing with Difficult Litigants and Attorneys

21st Annual AB 1058 Child Support
Training Conference
September 12-15, 2017

**The Central Principle of
being a Judge**

- The basic function of an independent, impartial and honorable judiciary is to maintain the utmost integrity in decision making...

**The Pillars of Judicial
Conduct**

- 1. Awareness of being a Judge
- 2. Mindfulness in the Courtroom
- 3. Rule of Law
- 4. No Assumptions

Pillars (continued)

- 5. Professional Distance
- 6. Ensure Both the Reality and Public Perception of Honesty & Integrity
- 7. Courage to Do the Right Thing
- 8. Accountability & Humility

Real Life

- We are human and will have an emotional reaction to what we experience. The issue is not the internal response, it is the content and manner of the outward expression of our response.

Delicate Balance

- The goal is to integrate effective responses to difficult litigants while remaining mindful of the Pillars of Conduct.

PERSONALITY TYPES

- Mean Ex
- It's all about me
- It's all in the details
- I'm the "real parent"
- "Zealous Advocate"

Approaches for the Types

- Focus on Relevance "How does that information impact the amount of child support that the Court should order?"
Listen to the answer for the connection or lack of.

Approaches for the Types

- Focus on the admissible evidence. How do you know that? When was the last time you had first-hand information about that?
- Define the Purpose of Child Support

Approaches for the Types

- Remind them that you have limited resources and you want to get to what is key to the guideline calculation. Focus them on *those* details.
- Two parents are required to provide support under the law.

Approaches for the Types

- State appreciation for advocacy, but reframe attorneys onto the calculation and the factors within the calculation.
- Remind parties/attorneys of the basis for child support and make your record.
- Cases and codes, cases and codes.

Hypotheticals

- JJ, Minnie and the LCSA
- Daisy, Eric and the LSCA
- Edward and Tonya
- Tony and Ed

Know Your Triggers

- Types of people.
- Types of issues.
- Time of day, day of week, etc.
- Work and non-work pressures.
- Outside Exposure/Trauma
- Biases

Know your Responses

- Anger
- Sarcasm
- Yelling
- Staring/Mad Dogging/Resting Face
- Mental Check Out
- Your responses ????

Know your Resources

- Have a colleague you can call.
- Have a sign with your JA/Clerk.
- Have a sign on your desk to remind you.
- Take a break – Take your vacation.
- Suggestions ????

What are your experiences?

- Would you handle the matter differently today?
- What are your checks and balances?
- **TIPS** – **T**ell us, **I**nformation, **P**lease Share, **S**uggestions
